

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

RODERICK D. HAYNES, )  
Plaintiff, )  
v. ) CV 114-237  
DEPUTY MICHAEL GARNER, in his )  
Individual and Official Capacity, )  
Defendant. )

## ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **GRANTS IN PART** Defendant's motion to dismiss, **GRANTS IN PART** Plaintiff's motion to strike, **DISMISSES** Plaintiff's official capacity claims, and **STRIKES** Defendant's second and seventh affirmative defenses.

SO ORDERED this 23<sup>rd</sup> day of March, 2016, at Augusta, Georgia.

HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA